

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MICHAEL GARRISON,	:	Civ. Action No. 04-1114 (NLH)
	:	
Plaintiff,	:	
	:	
v.	:	ORDER
	:	
WILLIAM PORCH, et al.,	:	
	:	
Defendants.	:	

This matter having come before the Court on Defendant's request to reopen the action, which was stayed on March 9, 2007; and

The Court having granted Defendant's motion for summary judgment on Plaintiff's constitutional and state law claims; but

The Court having denied without prejudice Defendant's motion for summary judgment as to liability on his assault and battery counterclaim, and having stayed the action pending the decision of the New Jersey Supreme Court in Ruiz v. Mero, 897 A.2d 407, 408 (N.J. Super. Ct. App. Div. 2006), cert. granted, 907 A.2d 1012 (N.J. 2006); and

It appearing that the New Jersey Supreme Court has issued its decision in Ruiz v. Mero;

Accordingly,

IT IS HEREBY ORDERED on this 31st day of July, 2007 that the Clerk of the Court shall reopen this matter; and

IT IS FURTHER ORDERED that Defendant shall, if he so desires, refile his motion for summary judgment as to Plaintiff's

liability on his assault and battery counterclaim, addressing the issues raised in this Court's March 9, 2007 Opinion regarding Defendant's previously filed motion.

s/ Noel L. Hillman

At Camden, New Jersey

NOEL L. HILLMAN, U.S.D.J.